

RULEMAKING FACT SHEET
TITLE 5 MRSA § 8057-A

AGENCY: Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NAME AND RULE TITLE: Chapter 155 Portable Fuel Container Spillage
Control - Repeal

STATUTORY AUTHORITY: Title 38 MRSA § 585-B, 343-A

DATE AND PLACE OF PUBLIC HEARING: No public hearing – 30 day written
comment period

COMMENT DEADLINE: August 5, 2011 5:00 P.M.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

In 2007, the U.S. EPA promulgated its "Control of Hazardous Air Pollutants from Mobile Sources" rule (FR 71 8427-8570) that included a national program for reducing emissions from portable fuel containers. Beginning in 2009, all portable fuel containers sold nationwide were subject to minimum VOC and hazardous air pollutant control requirements. Since these new federal requirements are more stringent than the Department's 2004 rule, we are proposing to repeal of Chapter 155.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

Repeal of the rule is appropriate because the federal "Control of Hazardous Air Pollutants from Mobile Sources" rule (FR 71 8427-8570) is more comprehensive than the Department's existing rule.

FISCAL IMPACT OF THE RULE:

None

BENEFITS OF THE RULE: None. The rule will be repealed.